

BH&E

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Note for Carney, Alfonso

From: Merlo, Ellen
Date: Tue, Mar 12, 1996 4:49 PM
Subject: RE: RI and DE analyses
To: Mihas, Tracy
Cc: Carney, Alfonso; Cooper, David; Crawford, Derek; Hammond, Shuanise; Keane, Denise; Laufer, David; Lempers, Jim; Paluszek, Matt; Pressl, Lance; Slavitt, Josh; Walls, Tina

while there are problems with various provisions in some of the non aaa bills, i don't think we should blanketly oppose. which of the bills has the greatest chance (RI) of being considered. obviously the aaa and h7300 are preferable, but there are clauses in some of the other that we could support.

re DE, see no problems.

From: Mihas, Tracy on Mon, Mar 11, 1996 7:19 PM
Subject: RI and DE analyses
To: Carney, Alfonso; Keane, Denise; Laufer, David; Merlo, Ellen; Pressl, Lance; Walls, Tina
Cc: Cooper, David; Crawford, Derek; Lempers, Jim; Paluszek, Matt; Slavitt, Josh
File(s): RI bill analyses

For the RI bill analysis, please see the enclosed document. M. Paluszek has requested comments on 5 bills in addition to the bill currently being tracked on the AAA chart, which has already been reviewed. Enclosed is a side-by-side comparison of the current PM supported bill, H8348/A2764, the 5 other bills and current law/AAA objectives. M. Paluszek would like to know whether we should:

support H7300?
oppose H7837?
oppose H8180?
oppose S2804? and,
oppose S2846?

Delaware:

Current law in DE, requires a retail tobacco license, allows for license revocation, and imposes penalties for the sale of tobacco to minors.

H440 has already been introduced and assigned a committee. It would:

1. modify the penalties for sale to minors, define how long a license may be suspended—penalizes employer \$250 for 1st offense, \$500 for 2nd, \$1,000 for 3rd and subsequent offenses (subsequent defined as within 1 yr of prior violation), authorizes "court" to suspend license for up to 6 months for 3rd or subsequent offenses.
2. prohibit the purchase by minors.
3. provide for an affirmative defense, warning signs and an original, manufacturer's package.
4. restrict vending machines to taverns, tobacco shops or places inaccessible to minors by law
5. prohibit sampling and distribution of coupons from person to person.
6. provide for unannounced inspections through the Dept of Public Safety, allows for contracts with tobacco control groups for inspections, and allows for the use of minors.
7. establish state law as minimum standard.

Proposed amendments to the bill would:

1. modify proof of age definition to allow for written documentation for mail order distribution.
2. allow vending machines in establishments licensed by the Alcoholic Beverage Control

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Commission, tobacco shops or places inaccessible to minors by law. Would also allow them in other retail establishments if supervised.

3. remove provision allowing for contracts with tobacco control groups to conduct inspections.
4. remove replace minimum standard provision with uniformity language. "The provisions of this chapter shall preempt and supersede any provisions of any municipal or county ordinance or regulation on the subject of this chapter." (It is the same language used in the smoking law.)

Should we support this bill with the amendments?

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